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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,860

05/05/2005

Sandrine Touchais

28944/40153

7883

29471

7590

03/26/2008

MCCRACKEN & FRANK LLP

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CHICAGO, IL 60606

EXAMINER

PERILLA, JASON M

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

03/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,860

Applicant(s)

TOUCHAIS ET AL.

Examiner

JASON M. PERILLA

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 23-31 is/are rejected.
7) ☒ Claim(s) 1-22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-31 are pending in the instant application.

Claim Objections

2. Claims 1, 2, 11, and 12 are objected to because of the following informalities:

Regarding claim 1, the claim is objected to because it is unclear and nearly indefinite. The following version of claim 1 is proposed to overcome the claim objection.

1. A method of training a device for linearizing a radiofrequency amplifier which is included within a radiofrequency transmitter of a first equipment of a radiocommunication system, which transmitter is adapted for transmitting bursts according to a determined frame structure, each burst comprising symbols belonging to a determined alphabet of symbols, the method comprising the steps consisting in:

- a) generating a linearization training sequence comprising a determined number N of symbols, where N is a determined integer;
- b) transmitting the linearization training sequence by means of the transmitter in at least certain of the bursts transmitted by the latter;
- c) comparing the linearization training sequence transmitted with the linearization training sequence generated so as to train said linearization device,

characterized in that at least a determined number N1 of symbols of the linearization training sequence sent first, where N1 is a determined integer less than or equal to N, belong to a subalphabet of symbols included within said alphabet of symbols, said subalphabet of symbols consisting of symbols which, in isolation or combination, ~~give the burst produce~~ a narrower spectrum than respective to said alphabet of symbols as a whole.

Regarding claim 2, in line 5, "or N2" should be replaced by --wherein N2--.

Regarding claim 11, the claim is objected to for the same reasons as applied to claim 1 above.

Regarding claim 12, the claim is objected to for the same reasons as applied to claim 2 above.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-26 are rejected under 35 U.S.C. § 101 because they claim non-statutory subject matter.

Regarding claim 23, the claim is rejected because it claims “a linearization training sequence” which is not a process (i.e. method), machine or device, item of manufacture, or composition of matter. Rather, the sequence is only a sequence of voltage levels representing bits or symbols. The sequence could be considered to be data or, perhaps, pure software. (Pure software not being recognized as a composition of matter.) In either case, information, data, and software is non-statutory subject matter *per se*.

Regarding claims 24-31, the claims are rejected as being based upon a rejected parent claim.

Allowable Subject Matter

4. Claims 1-22 are indicated to contain allowable subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. PERILLA whose telephone number is (571)272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason M Perilla/
Primary Examiner, Art Unit 2611
March 20, 2008

/Jmp/